

This order is SIGNED.

Dated: September 4, 2019



**R. KIMBALL MOSIER
U.S. Bankruptcy Judge**



Armand J. Howell, Bar Number 10029
Benjamin J. Mann, Bar Number 12588
Brian J. Porter, Bar Number 14291
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File No: 52911

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re:

MARILYN R MONSON aka MARILYN
JENSEN MONSON aka MARILYN J.R.
MONSON

Debtor.

Bankruptcy Case No. 19-24954
Chapter 13

**ORDER TERMINATING AUTOMATIC
STAY AND FOR IN-REM RELIEF AS TO
DITECH FINANCIAL, LLC**

On September 4, 2019, an evidentiary hearing was held on the Motion for Relief filed by Ditech Financial, LLC ("Secured Creditor"). Based upon the pleadings, statements made at the hearing, and for good cause appearing, the Court does hereby,

ORDER AS FOLLOWS:

1. That the automatic stay with respect to the following described real property:

Lot 10, Plat "A", Castle Glen Estates, according to the Official Plat thereof as recorded in the office of the Utah State County Recorder, State of Utah;

TAX ID: 36-049-0010

Commonly known as 11041 North 5730 West, Highland, Utah
84003;

be and is hereby modified and terminated as of the date hereof to permit Ditech Financial, LLC and its successors and assigns to pursue its rights and remedies against the said property under applicable law.

2. This relief is granted pursuant to 11 U.S.C. § 362(d)(4), and upon recordation of this order in the office of the Utah County Recorder, this order shall be binding in any other bankruptcy case purporting to affect the above described real property located at 11041 North 5730 West, Highland, UT 84003, filed for two years from the date of the entry of this order.

3. Secured Creditor and/or its successors and assigns may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

4. This order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other Chapter of Title 11 of the United States code.

5. The Chapter 13 Trustee shall cease mailing payments on unpaid pre-petition default amounts. Secured Creditor has 180 days from the date of this order to amend its Proof of Claim. In the event that the Secured Creditor's Proof of Claim is not amended within 180 days of this order, Secured Creditor's Proof of Claim shall be reduced to the actual amount paid by the Trustee.

6. If this order is entered pre-confirmation, it shall not be amended or altered or superseded by the confirmation order entered in this case but shall be considered a part of and integrated into the confirmation order and the automatic stay shall not be re-imposed by the entry of the confirmation order.

7. Pursuant to Rule 4001(a)(3) the court hereby waives the 14-day waiting period and this order shall go into effect immediately.

END OF ORDER

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER TERMINATING AUTOMATIC STAY** shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Lon Jenkins
Chapter 13 Trustee
ecfmail@ch13ut.org
lneebling@ch13ut.org

United States Trustee
USTPRegion19.SK.ECF@usdoj.gov

Brian J. Porter
HALLIDAY, WATKINS & MANN,
P.C.
Secured Party's Attorney
brian@hwmlawfirm.com

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

Marilyn R Monson
11041 North 5730 West
Highland, UT 84003

/s/ Brian J. Porter
Brian J. Porter
Attorney for Secured Creditor